UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,198	04/27/2001	Nicco Willis	10060.0100	2147

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EXAMINER
GREIMEL, JOCELYN

ART UNIT	PAPER NUMBER
3693	

MAIL DATE	DELIVERY MODE
10/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/844,198	WILLIS ET AL.
	Examiner	Art Unit
	Jocelyn Greimel	3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2007*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This communication is in response to Applicant's Amendments and Remarks filed 30 July 2007. This Office Action is based upon relevant prior art that found during pre-allowance review.

Status of Claims

Claims 1-40 are currently pending. Claims 1, 30, 39 and 40 are independent claims. Claims 1, 34-35 and 39 are currently amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-40 are rejected under 35 U.S.C. 102(a) as being anticipated by GainsKeeper – Making Investing & Capital Gains Reporting Easy!, Frequently Asked Question (www.gainskeeper.com, found on www.archive.org, hereinafter GainsKeeper).

In reference to claims 1 and 30-35, GainsKeeper discloses a computer-implemented method, system and computer readable medium for determining a cost basis associated with a plurality of shares of a security. In reference to claim 1, GainsKeeper discloses the steps of: (A) entering, into a computer system, information identifying an issuer associated with the security, a purchase date of the security, and a number of shares of the security purchased on the purchase date; (B) determining a purchase price per share of the security on the purchase date; (C) retrieving from a database, in response to the information identifying the issuer, the purchase date and the sale date, a list of capital events that occurred in connection with the security between the purchase date and sale date; wherein the list of capital events includes at least one event selected from the group consisting of a distribution reinvestment, a spin-off event, a merger event and a split event; and wherein the database stores past price per share information and capital events for a plurality of different of securities associated with different issuers; (D) retrieving from a database one or more shares held adjustment ratios, wherein the shares held adjustment ratios correspond to at least one of the capital events that occurred in connection with the security between the purchase date and the sale date, included in the adjustment ratios would be basis calculation including purchase price, purchase date, sale date and/or sale period, capital gain or loss, sale price; (E) determining a current cost basis associated with the security by applying at least one shares held adjustment ratio to the initial basis of the security; and (F) if multiple shares held adjustment ratios were retrieved from the database, then (i) assigning an intermediate cost basis equal to the current cost basis; (ii) adjusting the

current cost basis by applying a further shares held adjustment ratio to the intermediate

cost basis; and (iii) repeating steps (i)-(ii) until each further shares held adjustment ratio

retrieved from the database has been used to adjust the cost basis of the security,

wherein each further shares held adjustment ratio retrieved from the database has an

event date associated therewith and is applied in step (F) in a chronological order such

that the shares held adjustment ratio associated with a latest event date is applied in a

final iteration of step (ii) (Gainskeeper pages 1-4).

1.   In reference to claims 2-4, GainsKeeper discloses a methods wherein: the price

of the security on a purchase date is provided by a user; the price of the security on a

purchase date is obtained from a database; and the plurality of different securities

include common stocks, mutual funds and closed end bond funds (GainsKeeper 1-4).

2.   In reference to claims 5-11, GainsKeeper discloses the methods wherein an

investor may track a fund by using various types of capital events and acknowledges

other embodiments and applications of such methods such as: the shares held

adjustment ratio associated with each dividend reinvestment event stored in the

database corresponds to a dividend amount issued per share at the time of each such

dividend reinvestment event; the shares held adjustment ratio associated with each

stock-split even stored in the database corresponds to a number of additional shares of

a given security issued for each share of the given security held prior to such stock-split

event; the shares held adjustment ratio associated with each merger event stored in the

database corresponds to a number of shares of a security associated with a merged

entity issued for each share associated with an issuer that merged into the merged

entity; the shares held adjustment ratio associated with each spin-off event stored in the

database corresponds to a number of shares of a security associated with a spun-off

entity issued for each share associated with an issuer that divested the spun-off entity;

the shares held adjustment ratio associated with a merger event stored in the database

corresponds to a number of shares of a security associated with a merger entity issued

for each share associated with an issuer that merged with the merger entity; the list of

capital events includes worthless security events; and the step of notifying a user of the

worthless security event, the date of the worthless security event and the basis of the

security at the time of the worthless security event (Gainskeeper pages 1-4).

3.   In reference to claims 12-14, GainsKeeper discloses the steps of entering, into a

computer system, information identifying an issuer associated with the security, a

purchase date of the security, and a number of shares of the security purchased on the

purchase date further comprises entering the information into the computer system via

graphical user interface and acknowledges other methods of entering the information

such as via a spreadsheet interface or via a batch list (Gainskeeper 1-4).

4.   In reference to claims 15-16 and 26-29, GainsKeeper also teaches tracking funds

using capital events or present market value information obtained via the Internet or

other reliable source including: security delisting events, and notifying a user of the

delisting event, the date of the delisting event, and the basis of the security of the

delisting event; the step of determining whether a security has been relisted after a

delisting event; the list of capital events further includes at least one rights issuance;

when rights issuance is retrieved as a capital event for a security, notifying the user of

the rights issuance, determining whether the rights have been exercised, when the rights have been exercised determining a basis allocation between the original security and a security acquired by exercise of the rights; the list of capital events further includes at least one warrants issuance; when a warrants issuance is retrieved as a capital event, notifying the user of the warrants issuance, determining whether the warrant has been exercised and when the warrant has been exercised, determining a basis allocation between the original security and the interest acquired by exercise of the warrant (GainsKeeper pages 1-4).

5.   In reference to claims 17-22, GainsKeeper discloses: a database that stores the capital events for the plurality of the different securities in a first table, and the database stores price information for each of the plurality of securities in at least a second table; the database further stores security issuer information in a third table said security issuer information correlating identification changes in a security; for each capital event stored in the first table, the database includes fields corresponding to a name of a company associated with such capital event, a stock symbol associated with such capital event, a CUSIP number associated with such capital event, a date of such capital event, a type of such capital event, and a shares held adjustment ratio associated with such capital event (GainsKeeper pages 1-4). Additionally, GainsKeeper discloses capital events stored in a first table, the database further includes a field that stores a value correlating the stock symbol and the CUSIP number associated with such capital event; a value correlating the stock symbol and the CUSIP number uniquely identifies an issuer associated with a given security in the database as such

issuer undergoes merger events, spin-off events and name change events; and each date for which price information is stored in the second table, the database stores a high price, a low price, an open price and a close price for each of the plurality of securities (GainsKeeper pages 1-4).

6.   In reference to claims 23-25, GainsKeeper discloses managing an investment portfolio comprising a plurality of securities which could include option securities and specifically: determining whether a security for which a present basis is to be determined is an option security, and where the security for which a present basis is sought is an option security, determining whether the option security was exercised; retrieving a shares held adjustment ratio and an exercise price for an option security from a database when it is determined that the option security was exercised, and determining from option security basis and the exercise price a basis in a security obtained by exercise of the option security; and the step of retrieving an expiration date from a database when it is determined that an option security has not been exercised of the option security, the date of such expiration, and the basis of the option securities held on the date of expiration (Gainskeeper pages 1-4).

7.   In reference to claims 36-40, GainsKeeper discloses a computer readable medium and means for tracking securities, such as option securities and publicly traded securities. This process can include querying the user for information, retrieving information from a database and adjusting the basis per share of the security. The system employs a graphical user interface, database and related software (GainsKeeper pages 1-4).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
October 14, 2007

JAMES A. KRAMER
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